

22 mj/140 DTS  
Rule 5 DOCS

AO 466A (Rev. 12/17) Waiver of Rule 5 &amp; 5.1 Hearings (Complaint or Indictment)

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

FILED

5:04 pm Feb 07 2022

Clerk U.S. District Court  
Northern District of Ohio  
Toledo

United States of America

v.

Michael Lee Kurkowski

Defendant

Case No. 3:22mj5031

Charging District's Case No. 22mj140-DTS

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) District of Minnesota

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my  
☒ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

Defendant's signature

Michael Kurkowski

Signature of defendant's attorney

Mark R. Decker

Printed name of defendant's attorney

Mark R. Decker

SCANNED

FEB 08 2022

U.S. DISTRICT COURT MPLS

# UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

Michael Lee Kurkowski

*Defendant*

Case No. 3:22mj5031

Charging District's

Case No. 22mj140 DTS

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the \_\_\_\_\_ District of Minnesota,  
(if applicable) \_\_\_\_\_ division. The defendant may need an interpreter for this language:  
\_\_\_\_\_.

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 02/07/2022

s/Darrell A. Clay

*Judge's signature*

Darrell A. Clay, U.S. Magistrate Judge

*Printed name and title*

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Termed

**U.S. District Court  
Northern District of Ohio (Toledo)  
CRIMINAL DOCKET FOR CASE #: 3:22-mj-05031-DAC-1**

Case title: United States of America v. Kurkowski

Date Filed: 02/07/2022

Other court case number: 22mj140 DTS District of Minnesota

Date Terminated: 02/07/2022

Assigned to: Magistrate Judge Darrell A.  
Clay

**Defendant (1)**

**Michael Lee Kurkowski**  
**TERMINATED: 02/07/2022**

represented by **Merle R. Dech , Jr.**  
2nd Floor  
610 Adams Street  
Toledo, OH 43604  
419-241-5506  
Fax: 419-242-3442  
Email: [mdechsq@hotmail.com](mailto:mdechsq@hotmail.com)  
**ATTORNEY TO BE NOTICED**  
**Designation: CJA Appointment**  
**Bar Status: Active**

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level (Terminated)**

None

**Complaints**

18:875(c) Interstate Communications -  
Threats

**Disposition**

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**ATTORNEY TO BE NOTICED**  
*Designation: Retained*  
*Bar Status: Govt*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
02/07/2022		Arrest (Rule 40) of Michael Lee Kurkowski (1) on 2/4/2022. (R,Ke) (Entered: 02/07/2022)
02/07/2022	<u>1</u>	Rule 5 Warrant received as to Michael Lee Kurkowski (1). (Attachments: # <u>1</u> Complaint District of Minnesota, # <u>2</u> Affidavit, # <u>3</u> Attachment A)(R,Ke) (Entered: 02/07/2022)
02/07/2022		Scheduling <b>Order</b> as to Michael Lee Kurkowski (1), Initial Appearance set for 2/7/2022 at 03:30 PM to be held by video conference (Toledo) before Magistrate Judge Darrell A. Clay. Video conference access information to be provided to all participants in advance of hearing. Magistrate Judge Darrell A. Clay on 2/7/2022. (R,Ke) (Entered: 02/07/2022)
02/07/2022		<b>Minutes of proceedings</b> [non-document] before Magistrate Judge Darrell A. Clay. Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Lee Kurkowski (1) held on 2/7/2022. Government appeared by attorney Tracey Tangeman; Defendant appeared with attorney Merle Dech; Officer Jordan Spadafore appeared for Pretrial Services. All participants consented to appear via audio/video conference. Charges read. Financial affidavit to be forwarded to the Court approval. Attorney Dech appointed to represent defendant. Parties advised of the Due Process Protections Act. Defendant waived Rule 5 identity hearing and requests detention hearing and preliminary hearing be held in the prosecuting district. Government moved for no contact order. No contact ordered with D.F., Nathan LNU, F.S., E.K. and their immediate family members. Defendant ordered removed to the District of Minnesota. (Court Reporter ECRO Erica Roberts) Time: 28 minutes. (R,Ke) (Entered: 02/07/2022)
02/07/2022		<b>Order</b> [non-document] as to Michael Lee Kurkowski (1). Pursuant to the Due Process Protections Act, Government's counsel is advised of and ordered to comply with the government's disclosure requirements under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny; and reminded that failure to comply with those disclosure obligations in timely manner could result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court. Magistrate Judge Darrell A. Clay on 2/7/2022. (R,Ke) (Entered: 02/07/2022)
02/07/2022	<u>3</u>	CJA 23 Financial Affidavit by Michael Lee Kurkowski (1). Magistrate Judge Darrell A. Clay on 2/7/2022. (R,Ke) (Entered: 02/07/2022)
02/07/2022		CJA 20 Appointment of Attorney Merle R. Dech, Jr. for Michael Lee Kurkowski. Counsel is reminded of their obligation to report significant changes in defendant's employment or financial circumstances sufficient to enable defendant to pay, in whole or in part, for legal

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02/07/2022	<u>4</u>	Waiver of Rule 5(c)(3) Hearing by Michael Lee Kurkowski (1). (R,Ke) (Entered: 02/07/2022)
02/07/2022	<u>5</u>	Warrant of Removal to District of Minnesota Issued as to Michael Lee Kurkowski (1) by Magistrate Judge Darrell A. Clay. (R,Ke) (Entered: 02/07/2022)
02/07/2022		Notice to Minnesota of a Rule 5 or Rule 32 Initial Appearance as to Michael Lee Kurkowski (1). Your case number is: 22mj140-DTS. Using your PACER account, you may retrieve the docket sheet and any text-only entry via the case number link. The following document link(s) is also provided: <u>3</u> Financial Affidavit - CJA23, <u>1</u> Rule 40 Warrant from Another District, <u>5</u> Warrant of Removal Issued, <u>4</u> Waiver of Rule 5(c)(3) Hearing. If you require certified copies of any documents, please send a request to ohndml_InterDistrictTransfer@ohnd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov. (R,Ke) (Entered: 02/07/2022)